



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 25 2008

REPLY TO THE ATTENTION OF

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald Romano, Sr.
Metal Management Midwest - Kankakee
1000 N. Washington Ave.
Kankakee, Illinois 60901

Re: Finding of Violation
Metal Management Midwest – Kankakee

Dear Mr. Romano:

This is to advise you that the U. S. Environmental Protection Agency (EPA) has determined that Metal Management Midwest - Kankakee's facility at 1000 N. Washington Ave, Kankakee, IL (MMM-Kankakee or Facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Section 608 of the CAA requires the Administrator of EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of Class I and Class II ozone-depleting substances. In accordance with Section 608 of the CAA, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to:

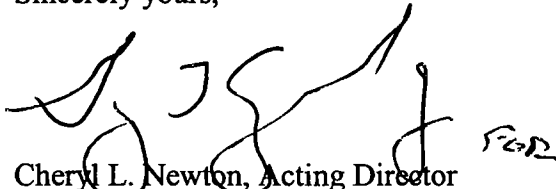
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) In addition, the signed statements obtained must be maintained on-site by the entities that dispose of appliances for a minimum of three years.

EPA finds that MMM-Kankakee has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may call her at (312) 886-3853 if you wish to request a conference. EPA hopes that this FOV will encourage MMM-Kankakee's compliance with the requirements of the CAA.

Sincerely yours,



Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Metal Management Midwest - Kankakee)	FINDING OF VIOLATION
Kankakee, IL)	
)	
Proceedings Pursuant to)	EPA-5-08-IL-03
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Metal Management Midwest - Kankakee (you or MMM-Kankakee) owns and operates a scrap recycling facility at 1000 N. Washington Ave., Kankakee, IL (the Facility).

The United States Environmental Protection Agency (EPA) is sending this Finding of Violation (FOV or Notice) to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F of the Clean Air Act (CAA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney present to represent you at this conference.

Explanation of Violations

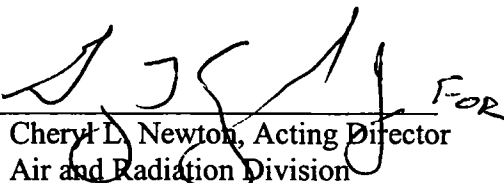
1. On July 13, 1993, MMM-Kankakee, as the final disposer of appliances, became subject to a portion of the regulations for the Protection of Stratospheric Ozone located in 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain Recycling and Emissions Reduction requirements for ozone depleting substances. The purpose of the regulations is to "reduce emission of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with Section 608 of the Clean Air Act." 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance:

- a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained, that all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).
 - c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. MMM-Kankakee has engaged in the recycling of refrigerant-containing appliances in each of the past twelve months.
 3. MMM-Kankakee does not recover refrigerant from appliances that are brought to the facility.
 4. MMM-Kankakee obtains contractual agreements from its suppliers with a paragraph stating that the supplier will recover refrigerants prior to delivery to the facility.
 5. In the past twelve months, MMM-Kankakee only obtained contracts from suppliers for the period 10/15/07 – 11/26/07. Therefore, MMM-Kankakee accepted refrigerant-containing appliances for the period 11/28/06 -10/15/07 without proper verification that the refrigerant had been recovered.

Environmental Impact of Violations

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

1/25/08
Date


Cheryl D. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

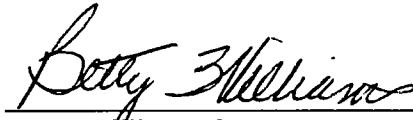
I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-08-IL-03, by Certified Mail, Return Receipt Requested, to:

Ronald Romano, Sr.
Metal Management Midwest - Kankakee
1000 N. Washington Ave.
Kankakee, IL 60901

on the 25th day of January, 2008.

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Ray Pilapil, Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000614478270